

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: : Chapter 7
IMAGE MASTERS, INC., *et. al.*, : Main Case No. 07-21587REF
Debtors : Jointly Administered
: Case No. 07-21586REF
: Case No. 07-21587REF
: Case No. 07-21588REF
: Case No. 07-21589REF
: Case No. 07-21590REF
: Case No. 07-21591REF

LYNN E. FELDMAN, as Chapter 7 :
Trustee of the Estate of Image Masters, :
Inc., et. al., :
Plaintiff :
v. : Adversary No. 09-2092
CHASE HOME FINANCE, :
CITIMORTGAGE, INC., :
COUNTRYWIDE HOME LOANS, :
INC., FIFTH THIRD BANK, :
GMAC MORTGAGE CORP., :
PROVIDENT FUNDING ASSOCIATES, :
L.P., SAXON MORTGAGE, INC., :
SOVEREIGN BANCORP, INC., :
SUNTRUST BANK, WACHOVIA BANK, :
N.A. and WELLS FARGO HOME :
MORTGAGE, :
Defendants :

**ORDER GRANTING DEFENDANTS' MOTIONS TO
DISMISS THE COMPLAINT AND GRANTING THE
PLAINTIFF TIME TO FILE AN AMENDED
COMPLAINT**

AND NOW, this 17th day of December, 2009, upon my consideration of Defendants' Motions To Dismiss the Complaint in the above-captioned adversary proceeding, the Response thereto filed by the Trustee, and the briefs and supplemental briefs filed by the parties, and after oral argument, and upon the findings and conclusions and the rationale and reasons set forth in the accompanying Memorandum Opinion,

IT IS HEREBY ORDERED that:

(1) Defendants' Motions To Dismiss, pursuant to Fed. R. Civ. P., Rule 12(b)(6), Counts I, II, and IV of the Complaint, which purport to allege a claim to avoid certain transfers based on constructive fraud, are GRANTED;

(2) Defendants' Motions To Dismiss, pursuant to Fed. R. Civ. P., Rule 12(b)(6) and 9, Counts I and III of the complaint, which purport to allege a claim to avoid certain transfers based on actual fraud, are GRANTED; and

(3) Defendants' Motions To Dismiss the Complaint under Fed. R. Civ. P., Rule 12(b)(7), for failure to join the homeowners³³ as additional parties in this proceeding are DENIED ON THE CONDITION that the Trustee files, within thirty (30) days of the date of this Order, an Amended Complaint that names the homeowners as additional

³³ As described in the Memorandum Opinion.

parties in this proceeding.

IT IS FURTHER ORDERED that the Trustee is hereby granted thirty (30) days to file an Amended Complaint that: (1) Amends Counts I, II, III and IV of the Complaint to comply with the provisions of the accompanying Memorandum Opinion; and (2) names the homeowners as additional parties.

BY THE COURT

A handwritten signature in black ink, appearing to read "R. Fehling", with several horizontal strokes extending to the right.

RICHARD E. FEHLING
United States Bankruptcy Judge